

February 12, 2019



**Talbot County Planning Commission
Final Decision Summary**

Wednesday, December 5, 2018 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer, Jr., Chairman
Paul Spies, Vice Chairman (absent)
William Boicourt
Michael Sullivan
Phillip "Chip" Cuncell

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Mike Duell, Code Enforcement Officer
Mary O'Donnell, Assistant County Attorney
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Fischer called the meeting to order at 9:02 a.m. Commissioner Fischer explained there were only four (4) members of the Commission present and that a tie vote is considered a negative vote. He stated that any applicant may choose to withdraw their application until the next month without penalty.

2. Decision Summary Review—November 7, 2018—The Commission noted the following corrections to the draft decision summary:

a. Line 375, the words "not effect" should be changed to read: "no effect".

Commissioner Boicourt moved to approve the draft Planning Commission Decision Summary for November 7, 2018, as amended. Commissioner Sullivan seconded the motion. The motion carried unanimously. (4-0, Commissioner Spies absent)

3. Old Business

Ms. Verdery stated there is no old business but we have some new faces. Ms. Verdery introduced Mike Duell, the Code Enforcement Officer who took Mr. Graham's place when he retired. Mr. Duell described his background as a retired Chief of Police from New Jersey, having worked in corporate security for fifteen years after retirement. He stated he was drawn to the area through his son who was a state police officer, but is now a special agent for the secret service. Mr. Duell also stated he enjoys working with the Planning and Zoning Department and looks forward to working with the Commission.

Ms. Verdery also recognized Duane Gottschalk, who is the Alcohol Beverage Inspector and Code Enforcement Officer. She stated he will be our night and weekend eyes and ears helping with code enforcement, including enforcement of the Noise Ordinance and

Short Term Rentals. Mr. Gottschalk stated he, like Mr. Duell, has a law enforcement background and is happy to be working in Talbot County. Ms. Verdery said Mr. Duell and Mr. Gottschalk are two great additions to the Code Enforcement Department.

Commissioner Fischer stated that increased enforcement of Short-Term rentals was one of the things the County did correctly.

4. New Business

- a. Major Site Plan—LS Futures, LLC (Ferry Point Marina)—1601 Marina Drive, Trappe, MD 21673 (map 62, grid 19, parcel 43, zoned Limited Commercial), Jake Laureska, Rauch, Inc., Agent.

Ms. Deflaux presented the staff report for Major Site Plan approval to construct a boat maintenance and repair facility that will provide regular mechanical boat maintenance, electrical work and other system repairs. Ms. Deflaux stated there will be no painting or boat finishing contained within this facility, which is classified as “Automobile service, repair, washing and fuel sales”; a permitted use in the Limited Commercial Zoning District. In addition, she said, the applicant is proposing to construct an outdoor boat parking and storage area, classified as “Vehicle and boat parking and storage (“commercial)” which is a permitted use in the Limited Commercial Zoning District (LC District). Ms. Deflaux stated that according to Section 190-29.22.C, outside boat parking and storage may be allowed by special exception in the LC District. In addition, she stated, according to *Talbot County Code* §190-60 decisions on Major Site Plans must be made by the Planning Commission. Ms. Deflaux added that the applicant is requesting waivers from the *Talbot County Code* §190-41.3 related to minimum parking requirements.

Ms. Deflaux indicated that the applicant will be conforming to a significant portion of the design standards and were able to achieve some relief of the standards by means of a previously approved minor variance. However, she added, there is an outstanding concern regarding the lack of a landscaping plan consistent with §190-40 of the Code. Absent an updated landscaping plan, Ms. Deflaux indicated that any Site Plan approvals will be conditioned upon the applicant providing a code compliant landscaping plan. She stated that if the applicant cannot meet the minimum requirements of the landscaping standards, an alternative landscaping plan would then need to be submitted for approval by the Planning Commission.

Ms. Deflaux outlined staff recommendations include in the staff report.

Ms. Verdery stated that comments were received from the Critical Area Commission staff late yesterday afternoon that provides background information and expresses their concerns regarding the uses and violations that exist on the property. Specifically, she stated, the letter refers to the Natural Resource Article

Regulations that a local jurisdiction cannot issue a permit, approval, variance or special exception unless the person seeking that permit, approval, variance or special exception has paid any administrative, civil or criminal penalties related to violations, prepares a restoration or mitigation plan, and performs abatement measures. Ms. Verdery further described the letter as stating the applicant had not satisfied the requirements, nor had the applicant completed the following requirements: 1) requested or obtained an amendment to the Talbot County Code for non-water dependent structures; 2) obtained approval from the Maryland Department of the Environment for work commenced in tidal waters; and 3) provided proof of application to United States Coast Guard or detail of the status of the application for registering the two-story floating vessel.

Ms. Verdery stated the Critical Area Commission is asking that the County's approvals for the site plan and special exception be delayed until they have addressed their comments and until the site has been brought into compliance with the Critical Area, state and local laws.

Jake Laureska, Rauch, Inc. and his client Ms. Cheryl Hughes, appeared before the Commission.

Commissioner Sullivan moved that the Commission go into Executive Session; Commissioner Boicourt seconded the Motion. The motion passed unanimously (4-0).

The Commission entered into Executive Session at 9:21 a.m.

The Commission reconvened at 10:00 a.m.

Commissioner Fischer stated that in light of the recent letter received from the Critical Area Commission late yesterday the Commission will continue this discussion at their next meeting.

Commissioner Fischer asked for public comment.

Alexis Kramer, Ewing, Dietz, Fountain & Kehoe, attorney for LS Futures, LLC. He stated that the issue related to the barge is not on either of the parcels and, if it was to be considered on a parcel, it would be on Parcel 80. He also stated they are aware of no violation currently existing on Parcel 43, as the outstanding issue is associated with Parcel 80. Mr. Kramer noted that they have appealed the violations related to Parcel 43 and it is in the Office of Administrative Hearings. He stated that so far no action has been brought against his client and for the Critical Area Commission staff to send this letter at the eleventh hour is unfair; the Commission should move forward.

Commissioner Councill moved to continue the Major Site Plan and the Special Exception for LS Futures, LLC (Ferry Point Marina), 1601 Marina

148 Drive, Trappe, MD 21673; to the January meeting. Commissioner Sullivan
149 seconded the motion. The motion carried unanimously (4-0).
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151 **5. Discussion Items**

152 a. Town of Easton MXW Zoning District Update
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154 Lynn Thomas, Town Planner, Sharon Van Emburgh, Town Attorney, Richard
155 Tettlebaum, Chairman Planning Commission. Mr. Thomas provided an update on
156 the mixed use waterfront zoning district. He said they spent the better part of 2017
157 to develop standards for the approved district but due to time constraints, there
158 was more work to be done. He stated they have finally reached the point where
159 they are comfortable putting out a document for public comment related to further
160 amendments to the approved district. He noted there is a Town of Easton Planning
161 Commission public hearing today at 6 p.m. related to the draft document.
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163 Mr. Thomas said that, in general, the changes proposed are relatively few, but
164 significant, including the creation of bonus provisions that allow a property owner
165 or developer to exceed density and bulk standards by paying a fee which would
166 go toward public amenities; boardwalk, transient boat slips and public parking.
167 He noted that the list of amenities may be adjusted in the future or substituted
168 with different amenities as they are intending to pursue grant funding to pay for
169 these amenities. Mr. Thomas stated that rather than an elaborate point system
170 included in a previous draft, there would be a per square foot fee of \$9.50. He also
171 stated that there is not an unfettered or unlimited amount to exceed the standards;
172 there is a moderate limit. Commissioner Fischer asked whether the bonus related
173 to density or lot coverage. Ms. Van Emburgh responded that it was both. Mr.
174 Thomas added they have cut the base maximum permitted zoning to 12 units an
175 acre from 30, and provide the ability to increase with the bonus.
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177 Ms. Van Emburgh showed the Commission a rendering of the area and pointed
178 out what sections were available for development. Ms. Van Emburgh noted there
179 is only a small area of Easton Point that can be developed.
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181 Commissioner Boicourt said there was a thought to have more green space and
182 Ms. Van Emburgh pointed out the possibility of a park north of Port Street.
183 Ms. Van Emburgh stated the Town is now working on getting a grant for some of
184 the land and Mr. Thomas stated that the Town already owns 11 acres; clearing
185 should be evident this spring. He noted that the pedestrian bridge is in place.
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187 Commissioner Boicourt stated he would encapsulate some of the comments from
188 today's meeting, with assistance from Commissioner Councill, and prepare a
189 letter to the Town Planning Commission with a copy to the County Council.
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191 **6. Staff Matters**

- 192 a. Ms. Verdery noted that Grace Davis, Permit Tech for the Office of Permits and
193 Inspections, received the ICC Maryland Permit Tech of the Year award yesterday.

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- b. Ms. Verdery stated that January is the meeting to elect new officers and the Commission may want to start thinking of nominations.
 - c. A map was distributed to the Commission where Mr. Salinas stated the bright yellow on the map is an existing Priority Funding Area (PFA) area approved by the Maryland Department Planning (MDP). He noted that, on the map, there is a property in white that includes the St. Michaels Inn. He stated that the property adjacent to the south of the Saint Michaels Inn, the Shannahan property, is undergoing review for PFA designation and MDP asked if the County would consider adding the St. Michaels Inn property to the PFA request. Mr. Salinas cautioned that the inn is not asking for sewer provision as this point.

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Commissioner Cuncell moved that the County Council favorably consider the St. Michaels Inn property, located at 1228 Talbot Street, be included in the Priority Funding Area. Commissioner Boicourt seconded the Motion. All in favor, 4-0.

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Ms. Verdery presented Mr. Fischer with gifts representing staff's appreciation for his years of service on the Planning Commission.

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7. WorkSessions

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8. Commission Matters

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9. Adjournment—Commissioner Fischer adjourned the meeting at 10:45 a.m.